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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 **UNITED STATES OF AMERICA,**

11 **Plaintiff,**

12 **vs.**

13 **DENISE KESER,**

14 **Defendant.**

)
) **2:11-cr-00382-GMN-GWF**
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)

)
) **UNOPPOSED MOTION TO**
) **CONTINUE SENTENCING**
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16 COMES NOW, the United States of America, by and through Charles La Bella, Deputy
17 Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and Mary Ann McCarthy,
18 Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, to continue the
19 Sentencing Hearing in the above-captioned matter currently scheduled for July 26, 2012 at
20 9:30am. The parties respectfully request this Honorable Court to continue the Sentencing
21 Hearings for at least 8 months to allow time for the defendant to complete her cooperation or, in
22 the alternative, to continue the Sentencing Hearing and set a status conference within 6 months to
23 report to the Court on the on-going investigation and the defendant's cooperation in connection
24 with the investigation.

25 This is the first request for a continuance of this Sentencing date.
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1 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following
2 reasons:

3 1. The defendant has entered a plea agreement with the United States that requires the
4 defendant to cooperate with the United States in connection with its on-going investigation of a
5 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun to
6 cooperate with the United States in this investigation, which involves a number of potential co-
7 conspirators and targets.

8 2. The defendant's Plea Agreement affords the defendant potential consideration for a
9 downward departure at the time of sentencing, including the possibility of a United States
10 Sentencing Guideline (U.S.S.G.) § 5K1.1 Motion, if the defendant has provided substantial
11 assistance to the United States.

12 3. The United States anticipates future pleas, indictments and the possibility of one or
13 more trials of co-conspirators and targets. These events may allow the defendant the opportunity
14 to provide further cooperation as a witness, including the possibility of testifying at trial.
15 However, the United States expects the resolution of such cases, including any trials in any related
16 cases, to be at least 8 months from the defendant's current sentencing dates.

17 4. Counsel for the United States has spoken with counsel for the defendant and he
18 agreed that the requested continuance is in the best interest of justice and does not oppose the
19 continuance sought herein. The defendant is not in custody and will remain at liberty on her
20 personal recognizance.

21 5. Denial of this request for continuance would deny the parties sufficient time and
22 opportunity to develop the defendant's cooperation against the related co-conspirators and targets
23 and prepare related cases for prosecution.

24 6. Furthermore, denial of this request for continuance could result in a miscarriage of
25 justice.

26 7. The United States also requests an order to exclude the additional time requested

1 by this continuance in computing the time within which the trial herein must commence pursuant
2 to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering
3 the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

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5 DATED this 29th day of May, 2012.

6
7 DENIS J. McINERNEY
8 Chief
9 United States Department of Justice,
Criminal Division, Fraud Section

10 //s//

11 CHARLES LA BELLA
12 Deputy Chief
13 MARY ANN McCARTHY
14 Trial Attorney
15 United States Department of Justice
16 Criminal Division, Fraud Section
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1 co-conspirators and targets.

2 e. The defendant does not object to the continuance.

3 f. The defendant is not in custody.

4 3. For all the above-stated reasons, the ends of justice would best be served by
5 continuing the Sentencing date.

6 4. The additional time requested by this Stipulation is excludable in computing
7 the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
8 Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

9 **ORDER**

10 **IT IS THEREFORE ORDERED** that the sentencing hearing currently set for July
11 26, 2012, at 9:30 a.m. is continued to the 28th day of March , 2013, at the hour of 9:00
12 a.m. in Courtroom 7D, before the Honorable Gloria M. Navarro, United States District
13 Judge. This delay is excluded from the time within which the trial must commence pursuant
14 to the Speedy Trial Act, Title 18, U.S.C., § 3161(h)(7)(A).

15 **IT IS FURTHER ORDERED** that a status conference is set for the 28th day of
16 February , 2013 , at the hour of 9:00 a.m. in Courtroom 7D, before the Honorable Gloria
17 M. Navarro, United States District Judge, to report to the Court on the on-going investigation
18 and the defendant's cooperation in connection with the investigation.

19 **DATED** this 31st day of May, 2012.

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21 _____
22 Gloria M. Navarro
23 United States District Judge
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